

COPY

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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

OLIVER STEVENSON, JR., :
Plaintiff : CIVIL NO. 1:CV-00-0274
:
v : (Conner, J.)
:
WILLIAM J. HENDERSON, :
POSTMASTER GENERAL, UNITED :
STATES POSTAL SERVICE, :
Defendants : FILED
: SCRANTON
: SEP 27 2002

NOTICE TO THE COURT

PER 27 SEP 27 2002

On August 16, 2002, defendant William J. Henderson, through the undersigned, filed a Motion for Summary Judgment, Statement of Material Facts, and a Brief in Support of the Motion for Summary Judgment with Exhibits. A Certificate of Service was filed with the above documents indicating that service was made on Oliver Stevenson Jr. at 17 Ash Street, Mont Alto, PA 17237.¹

On September 17, 2002, this case was reassigned to this Court from Judge Kane. Several checks by the

¹The Certificate of Service had the wrong date, however, consistent with the filing of the motions, the documents were served on August 16, 2002. A revised Certificate of Service with the correct date of August 16, 2002, is attached hereto.

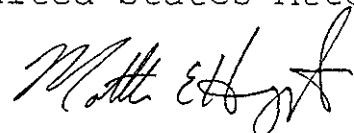
undersigned of the Clerk's docket indicate that no response has been filed to date to the defendant's Motion for Summary Judgment.

The defendant William J. Henderson gives notice to this Court that, in addition to the reasons stated in defendants' motion for summary judgment, the motion may be granted pursuant to M.D. Pa. Local Rule 7.6 and Fed. R. Civ. P. 41(b). Local Rule 7.6 requires a party to file a brief in opposition to a motion within fifteen days after service of movant's brief. The Rule further provides that any respondent who fails to comply with this rule shall be deemed not to oppose such motion. In this case, fifteen days have long elapsed. Therefore, Local Rule 7.6 provides an additional reason for granting the United States' motion.

Moreover, in failing to oppose the motion,
Stevenson's complaint may be dismissed pursuant to Fed.
R. Civ. P. 41(b) for failure to prosecute.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney



MATTHEW E. HAGGERTY
Assistant U.S. Attorney
P.O. Box 309, Suite 311
235 N. Washington Avenue
Scranton, PA 18501

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

OLIVER STEVENSON, JR. :
Plaintiff, : CIVIL NO. 1:CV-00-00274
v. : (KANE, J.)
WILLIAM HENDERSON, :
POSTMASTER GENERAL, :
:

AMENDED CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania, and is a person of such age and discretion as to be competent to serve papers.

That on August 16, 2002, she served copies of the attached:

MOTION FOR SUMMARY JUDGMENT,
STATEMENT OF MATERIAL FACTS
AND BRIEF IN SUPPORT OF THE MOTION WITH EXHIBITS

by placing said copy in a postpaid envelope addressed to the persons hereinafter named, at the places and addresses stated below, which is the last known addresses, and by depositing said envelopes and contents in the United States Mail at Scranton, Pennsylvania.

Address:

OLIVER STEVENSON, JR.
17 Ash Street
Mont Alto, PA 17237-9645

May Miller
May Miller
Legal Assistant

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

OLIVER STEVENSON, JR. :
Plaintiff, : CIVIL NO. 1:CV-00-00274
v. : (KANE, J.)
WILLIAM HENDERSON, :
POSTMASTER GENERAL, :
:

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania, and is a person of such age and discretion as to be competent to serve papers.

That on September 27, 2002, she served copies of the attached:

NOTICE TO THE COURT

by placing said copy in a postpaid envelope addressed to the persons hereinafter named, at the places and addresses stated below, which is the last known addresses, and by depositing said envelopes and contents in the United States Mail at Scranton, Pennsylvania.

Address:

OLIVER STEVENSON, JR.
17 Ash Street
Mont Alto, PA 17237-9645

May Miller
May Miller
Legal Assistant